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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,892	08/31/2001	Donald J. Remboski	IA00002	4080

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MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
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EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application	Applicant(s)	
	09/944,892	REMBOSKI ET AL.	
	Examiner	Art Unit	
	Kwang B. Yao	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4,6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of "a bridge, a switch and a router" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (US 5,499,247) in view of Bertin et al. (US 5,940,372).

Matsuda et al. discloses an automobile multiplex transmission system comprising the following features: regarding claim 1, as depicted in Fig. 1, comprising a first device (12) and a second device (17), an active network (18) communicatively coupling the first and second devices; regarding claim 11, a data interface to each of the first device (12) and the second device (17) for coupling the first device and the second device, respectively, to the active network (18), wherein the data interface operates to accept data from or deliver data to the device, respectively, independently of the functionality of the respective device; a plurality of coupled active network elements coupling the interfaces; regarding claim 18, a method of communicating data between a first device (12) and a second device (17) within the vehicle, the method comprising: communicatively coupling the devices utilizing a data transport medium (18).

Matsuda et al. does not disclose the following features: regarding claim 1, the active network having an overall communication capability and a portion of the overall communication being reserved for communication usage by the first device; regarding claim 2, the portion being exclusively reserved for the first device; regarding claim 3, wherein an unreserved portion of the overall communication capability is shared by each of the first and second devices; regarding claim 4, wherein the portion comprises a plurality of communication paths between the first device and the second device; regarding claim 5, wherein the portion is reconfigurable; regarding

claim 6, wherein the portion is reconfigurable responsive to a condition of the active network; regarding claim 7, wherein the condition is one of over-capacity and under-capacity; regarding claim 8, wherein the condition is a failure in the active network; regarding claim 9, wherein the active network comprises a packet data network; regarding claim 10, wherein the active network comprises a plurality of active network elements coupled by connection media, and wherein each of the plurality of active network elements is selected from the group of active network elements comprising: a bridge, a switch and a router; regarding claim 11, a portion of the active network elements, the portion being reserved for communication usage by the first device; regarding claim 12, wherein the portion is exclusively reserved for the first device; regarding claim 13, wherein the portion includes a plurality of communication paths between the first device and the second device; regarding claim 14, wherein the portion is reconfigurable; regarding claim 15, wherein the portion is reconfigurable responsive to a condition of the active network; regarding claim 16, wherein the condition is one of over-capacity and under-capacity; regarding claim 17, wherein the condition is a failure in the active network; regarding claim 18, the data transport medium defining a plurality of potential communication paths between the first device and the second device; reserving a portion of the plurality of potential communication paths for communications from or to the first device; transporting data from or to the first device using the data transport medium inclusive of the portion and transporting data from or to the second device using the data transport medium exclusive of the portion; regarding claim 19, wherein the step of reserving a portion of the data transport medium comprises reserving at least one communication path between the first device and the second device; regarding claim 20, comprising the step of

reconfiguring the portion; regarding claim 21, comprising the step of reconfiguringg the portion responsive to a condition of the active network.

Bertin et al. discloses a system for selecting a path comprising the following features: regarding claim 1, as depicted in Fig. 1, the active network (200) having an overall communication capability and a portion of the overall communication being reserved for communication usage by the first device (202); regarding claim 2, the portion being exclusively reserved for the first device (202); regarding claim 3, wherein an unreserved portion of the overall communication capability is shared by each of the first and second devices (202, 203); regarding claim 4, wherein the portion comprises a plurality of communication paths between the first device (202) and the second device (203); regarding claim 5, wherein the portion is reconfigurable (see abstract); regarding claim 6, wherein the portion is reconfigurable responsive to a condition of the active network (see abstract); regarding claim 7, wherein the condition is one of over-capacity and under-capacity (see column 2-3); regarding claim 8, wherein the condition is a failure in the active network (see column 4, lines 1-5); regarding claim 9, wherein the active network comprises a packet data network (200); regarding claim 10, wherein the active network comprises a plurality of active network elements coupled by connection media, and wherein each of the plurality of active network elements is selected from the group of active network elements comprising: a bridge, a switch and a router (see Fig. 1); regarding claim 11, a portion of the active network elements, the portion being reserved for communication usage by the first device (202); regarding claim 12, wherein the portion is exclusively reserved for the first device (202), see abstract; regarding claim 13, wherein the portion includes a plurality of communication paths between the first device (202) and the second device (203); regarding

claim 14, wherein the portion is reconfigurable (see abstract); regarding claim 15, wherein the portion is reconfigurable responsive to a condition of the active network (see column 2-3); regarding claim 16, wherein the condition is one of over-capacity and under-capacity (see column 2-3); regarding claim 17, wherein the condition is a failure in the active network (see column 4, lines 1-5); regarding claim 18, as depicted in Fig. 1, the data transport medium (200) defining a plurality of potential communication paths between the first device (202) and the second device (203); reserving a portion of the plurality of potential communication paths for communications from or to the first device; transporting data from or to the first device using the data transport medium inclusive of the portion and transporting data from or to the second device using the data transport medium exclusive of the portion, see abstract; regarding claim 19, wherein the step of reserving a portion of the data transport medium comprises reserving at least one communication path between the first device (202) and the second device (203); regarding claim 20, comprising the step of reconfiguring the portion, see column 9-11; regarding claim 21, comprising the step of reconfiguringg the portion responsive to a condition of the active network, (see column 4, lines 1-5).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Matsuda et al., by using the features, as taught by Bertin et al., in order to an efficient data communication system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tomizawa et al. (US 6,202,082) discloses a trunk transmission network.

Flanagan (US 5,506,838) discloses a method for propagating information.

Ichii et al. (US 5,504,737) discloses a multiplex transmission system.

Alfonsi et al. (US 5,491,690) discloses a method to speed up the path selection.

Hirabayashi et al. (US 5,480,227) discloses a multiplex transmission system for vehicle.

Nakatsuji (US 6,327,263) discloses a on-vehicle multiplex communication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KWANG BIN YAO
PRIMARY EXAMINER

Kwang B. Yao
June 23, 2003